



NETC EEO FACT SHEET

Reasonable Accommodation Information and Procedures

Guidance for Managers and Supervisors

September 2018

This Fact Sheet:

- Provides NETC's policy and procedures on processing requests for reasonable accommodation and Personal Assistance Services (PAS)
- Defines reasonable accommodation and PAS
- Answers frequently asked questions

Background on Reasonable Accommodation

The Rehabilitation Act of 1973, as amended prohibits discrimination against qualified individuals with disabilities in all aspects of the employment relationship to include terms, conditions and privileges of employment. The Act requires employers to provide reasonable accommodations to qualified individuals with disabilities who are employees or applicants for employment. Section 501 of the Rehab Act, requires federal agencies to provide Personal Assistance Services (PAS) in addition to reasonable accommodation during work hours and work-related travel to employees with severe disabilities.

It is NETC policy to provide equal employment opportunities to qualified individuals with disabilities in all aspect of employment and to provide reasonable accommodations to qualified individuals and applicants with disabilities unless doing so would create an undue hardship. Managers and supervisors must participate in the reasonable accommodation process, assist in eliminating barriers to equal employment opportunity and support DON and NETC efforts as a model employer for individuals with disabilities.

What is a Reasonable Accommodation?

In general, an accommodation is any change in the work environment or in the way things are customarily done that enables an individual with a disability to enjoy equal employment opportunities. There are three categories of reasonable accommodation.

Application Process

Modifications or adjustments to a job application process that enables a qualified applicant with a disability to be considered for the position.

Performing Essential Functions

Modifications or adjustments to the work environment, or circumstances under which the position is customarily performed, that enables a qualified individual with a disability to perform the essential functions of the position.

Benefits and Privileges

Modification or adjustments that enable an employee with a disability to enjoy equal access to benefits and privileges of employment (i.e., training, services, programs, parties and other social functions) as similarly situated employees without disabilities.

Qualified Individual with a Disability

A qualified individual with a disability is one who meets the requisite skills, education, experience, training and other job requirements of the position and can perform the essential functions of the position held or desired with or without an accommodation.

Personal Assistance Services

PAS allow individuals to perform activities of daily living that an individual would typically perform if he or she did not have a disability, such as assistance with removing and putting on clothing, eating, and using the restroom. PAS provides employees with the opportunity to work and enjoy the opportunities and benefits of employment.

STEP 1 – THE REASONABLE ACCOMMODATION REQUEST

An employee or an applicant for employment may initially submit a request for accommodation verbally or in writing. In addition, a family member, friend, health professional, or other representative may request a reasonable accommodation (RA) on behalf of an individual with a disability.

The RA process begins as soon as the initial request for accommodation is made. It is imperative that all requests for RA are forwarded to the Reasonable Accommodation Program Manager (RAPM), at the NETC Equal Employment Opportunity (EEO) Office, within two (2) working days after receipt from the employee or applicant.

- **Current employees:** Typically, requests for accommodation by employees are made to the first-level supervisor, but they may also be made to the RAPM. Any verbal request must be subsequently documented in writing.
- **Applicants:** Requests for accommodation by applicants may be received by the Human Resources Office (HRO) or Office of Civilian Human Resources (OCHR) Operations Centers. All requests for RA made at the pre-employment phase must be reported to the servicing EEO Office for processing and tracking purposes.
- **Post-offer, pre-employment candidates:** If a candidate is not deemed qualified because of a physical, psychiatric, mental or any safety-based qualification standard, prior to any rescission of the job offer, the HRO must notify the RAPM to begin processing.

All accommodation requests must be documented. For those accommodations needed on a repeated basis and are known by the supervisor that the accommodation is required, e.g., sign language interpreter for recurring staff meetings, the employee does not need to submit a request for each instance. However, the employee will need to notify the supervisor when a new instance is required.

STEP 2 – THE INTERACTIVE PROCESS

The interactive process begins upon receipt of the initial RA request. It is typically a discussion between the individual requesting the accommodation, his or her supervisor (or the hiring manager in the case of applicants and those in the post-offer, pre-employment stage) and the RAPM to determine whether the individual meets the definition of a qualified individual with a disability (QIWD) and to determine what, if any, accommodation may be provided. This discussion includes a determination of the essential functions of the position held or desired, and also seeks to determine whether medical documentation is required to establish if the employee will benefit from an accommodation.

STEP 3 – THE DISABILITY ANALYSIS

After all the relevant information has been obtained, the RAPM and the supervisor must conduct an analysis to determine whether the employee meets the definition of a QIWD.

STEP 4 – DECISION TO ACCOMMODATE/NOT ACCOMMODATE

A. Decision to Grant an Accommodation: If the supervisor and the RAPM determines that the individual is a QIWD and that providing an accommodation is the appropriate course of action, a letter offering the accommodation shall be issued to the individual by his or her supervisor within 30 calendar days of the date of the initial request. If medical documentation was requested, the timeframes for processing a request for RA will be tolled from the time the written request for medical documentation is issued to the employee until the requested medical documentation is received by the RAPM.

B. Employee is Determined Not to be an Individual with a Disability: There is no requirement to provide RA if the employee did not establish that he or she is an individual with a disability under the Rehabilitation Act of 1973, as amended. The employee must be notified of this decision in writing within 30 calendar days of the date of the initial request.

PERSONAL ASSISTANCE SERVICES (PAS) REQUESTS

Requests for PAS can be made by an employee verbally or in writing to a supervisor or the RAPM, or by family member or medical professional). The entitlement to PAS requires an analysis of whether the requesting employee has a targeted disability, requires PAS because of the disability, can perform the essential functions of the position without posing a direct threat to safety and does not impose an undue hardship. Requests for RA and PAS can be made simultaneously, but must be processed separately using appropriate procedures.

Q. What is a reasonable accommodation request?

A. A request for a reasonable accommodation occurs when an employee or their representative makes the agency aware that the employee needs an adjustment or change at work for a reason related to a medical condition. When requesting an accommodation, an individual may use "plain English" and need not mention the Americans with Disabilities Act, Rehabilitation Act or use the phrase "reasonable accommodation." A verbal request is sufficient to place the agency on notice to begin the reasonable accommodation process.

The following are examples of reasonable accommodation requests from employees and/or an employee's representative:

- "I'm having trouble getting to work at my scheduled starting time because of medical treatments I'm undergoing."
- "I need six weeks off to get treatment for a back problem."
- An employee's spouse phones the employee's supervisor on Monday morning to inform her that the employee had a medical emergency due to multiple sclerosis, needed to be hospitalized and requires time off.

Q. What do I do if I believe an employee is making a reasonable accommodation request?

A. Supervisors and managers should initially clarify that the employee is requesting a reasonable accommodation. If the employee says no, the agency has met its obligation. If the employee says yes, the supervisor must engage in a conversation with the employee to make an informed decision about the request. If the individual's disability is not obvious; the supervisor or manager may need to ask questions concerning the nature of the disability and any functional limitations in order to identify an effective accommodation. Supervisors and managers must seek assistance from the NETC Equal Employment Opportunity (EEO) RAPM in processing the request.

Q. How quickly must a reasonable accommodation be provided?

A. The Department of the Navy requires a decision on the request for a reasonable accommodation to be made within 30 calendar days. Once a decision is made to provide a reasonable accommodation, supervisors must provide the accommodation as quickly as possible. Any delays may result in a violation of the Rehabilitation Act.

Q. May I ask for documentation when an employee requests reasonable accommodation?

A. Yes. When the disability and/or the need for accommodation is not obvious, a supervisor may ask for reasonable documentation about the disability and functional limitation. The supervisor is entitled to know that the individual has a covered disability for which there is a need for an accommodation.

Q. What are the responsibilities of employees and applicants?

A. Immediately notify HRO or Stennis Operations Center contact, hiring manager, first-level supervisor or RAPM when it is determined that some form of reasonable accommodation is required in order to perform the essential function(s) of the position held (for current employees) or desired (for applicants for employment); actively participate in good faith and be responsive throughout the interactive discussion phase of the reasonable accommodation process; and provide medical documentation, if requested, as part of the reasonable accommodation process.

Q. What are the job functions of a PAS provider?

A. A PAS provider is an employee or contractor whose primary job functions include the provision of personal assistance services. In general, the training or skill that a PAS provider should have will depend on the specific services needed by the employee approved for PAS. The DON is entitled to consider all resources when arranging for PAS, including outside sources that are already providing PAS or are willing to provide PAS at their own expense, such as a state or veteran's rehabilitation agency, so long as the services are provided in a timely manner.

The reasonable accommodation process is a complex process and each request must be analyzed on a case-by-case basis. Supervisors should immediately contact the NETC EEO Disability Program Manager for assistance to ensure the request is processed in accordance with DON policies, procedures and timeframes.

- NETC Disability/Reasonable Accommodation Program Manager (850) 452-3511
- NETC Intake Line (850) 452-4180